



General Assembly

**Substitute Bill No. 6773**

January Session, 2005

\* \_\_\_\_\_HB06773ENV\_\_\_\_040105\_\_\_\_\_\*

**AN ACT CONCERNING CLEAN AIR STRATEGIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) (a) For purposes of this  
2       section, the term "outdoor wood-burning furnace" means an accessory  
3       structure or appliance designed to be located outside living space  
4       ordinarily used for human habitation and designed to transfer or  
5       provide heat, via liquid or other means, through the burning of wood  
6       or solid waste, for heating spaces other than where such structure or  
7       appliance is located, any other structure or appliance on the premises,  
8       or for heating domestic, swimming pool, hot-tub or jacuzzi water.  
9       "Outdoor wood-burning furnace" does not include a fire pit, wood-  
10      fired barbecue or chiminea.

11       (b) No person shall, from the effective date of this section to the  
12      effective date of regulations by the United States Environmental  
13      Protection Agency to regulate outdoor wood-burning furnaces,  
14      construct, install, establish, modify, operate or use an outdoor wood-  
15      burning furnace, unless (1) the outdoor wood-burning furnace was  
16      constructed, installed, established, modified, operated or in use prior  
17      to the effective date of this section, or (2) the outdoor wood-burning  
18      furnace complies with the following:

19       (A) Installation of the outdoor wood-burning furnace is not less  
20      than two hundred feet from the nearest residence not serviced by the

21 outdoor wood-burning furnace;

22 (B) Installation of the chimney of the outdoor wood-burning furnace  
23 is at a height that is more than the height of the roof peaks of the  
24 residences that are located within five hundred feet of the outdoor  
25 wood-burning furnace, which residences are not serviced by the  
26 outdoor wood-burning furnace, provided the chimney height is not  
27 more than fifty-five feet;

28 (C) No other materials are burned in the outdoor wood-burning  
29 furnace other than wood that has not been chemically treated; and

30 (D) Installation and operation of the outdoor wood-burning furnace  
31 is in accordance with the manufacturer's written instructions, provided  
32 such instructions do not conflict with the provisions of this section.

33 (c) The provisions of this section shall be enforced by the  
34 Commissioner of Environmental Protection and may be enforced by  
35 the municipality affected by the operation or potential operation of an  
36 outdoor wood-burning furnace.

37 (d) Any person who operates an outdoor wood-burning furnace in  
38 violation of this section shall be deemed to have committed an  
39 infraction and shall be fined not more than ninety dollars. Each day of  
40 operation of such wood-burning furnace in violation of this section  
41 shall be a separate violation.

42 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) For purposes of this  
43 section, "mobile source" means a source of air pollution designed or  
44 constructed to move from one location to another during normal  
45 operation, including, but not limited to, an automobile, bus, truck,  
46 tractor, earth moving equipment, hoist, crane, aircraft, locomotive  
47 operating on rails, vessels for transportation on water, lawnmowers  
48 and other small home appliances. "Mobile source" does not mean  
49 portable equipment or a school bus, as defined in section 14-275 of the  
50 general statutes.

51 (b) No person shall operate a mobile source for more than three  
52 consecutive minutes when such mobile source is not in motion, except  
53 (1) when a mobile source is forced to remain motionless because of  
54 traffic conditions or mechanical difficulties over which the operator  
55 has no control, (2) when it is necessary to operate defrosting, heating  
56 or cooling equipment to ensure the safety or health of the driver or  
57 passengers, (3) when it is necessary to operate auxiliary equipment  
58 that is located in or on the mobile source to accomplish the intended  
59 use of the mobile source, (4) to bring the mobile source to the operating  
60 temperature recommended by the manufacturer, (5) when the mobile  
61 source is below twenty degrees Fahrenheit, (6) when the mobile source  
62 is undergoing maintenance that requires such mobile source to be  
63 operated for more than three consecutive minutes, or (7) when a  
64 mobile source is in queue to be inspected by United States military  
65 personnel prior to gaining access to a United States military  
66 installation.

67 (c) Any person who violates any provision of this section shall be  
68 deemed to have committed an infraction and shall be fined not more  
69 than ninety dollars, except that where such person is not the owner of  
70 the subject mobile source, the owner of the subject mobile source shall  
71 be deemed to have committed an infraction and shall be fined not  
72 more than ninety dollars.

73 Sec. 3. Section 22a-174j of the general statutes is repealed and the  
74 following is substituted in lieu thereof (*Effective October 1, 2005*):

75 Not later than January 1, 1999, the Commissioner of Environmental  
76 Protection shall, by regulations adopted in accordance with chapter 54,  
77 establish uniform emissions performance standards [for electricity  
78 generation facilities supplying power] to regulate emissions to the air  
79 from the generation of electricity supplied to end use customers in this  
80 state. Such standards shall, to the greatest extent possible, be designed  
81 to improve air quality in this state and to further the attainment of the  
82 National Ambient Air Quality Standards promulgated by the United  
83 States Environmental Protection Agency. Such performance standards

84 shall [be based on the fuel used for generation of electricity and shall  
 85 apply to electric suppliers' generation facilities located in North  
 86 America] apply to emissions caused by electricity generation in any  
 87 location in North America used to supply end-use customers in the  
 88 state, shall limit emissions to levels consistent with those permitted  
 89 from technically similar generators located in the state and shall limit  
 90 the amount of air pollutants, including, but not limited to, nitrogen  
 91 oxides, sulfur oxides [,] and carbon dioxide [, carbon monoxide and  
 92 mercury,] emitted per megawatt hour of electricity produced. Such  
 93 performance standards may provide for a program for purchase of  
 94 offsetting reductions in emissions and trading of emission credits. [A  
 95 performance standard established by the Department of  
 96 Environmental Protection for an individual pollutant pursuant to this  
 97 section shall go into effect when three of the states participating in the  
 98 northeastern states' Ozone Transport Commission as of July 1, 1997,  
 99 with a total population of not less than twenty-seven million at that  
 100 time, have adopted such standard.]

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	22a-174j

**ENV**      *Joint Favorable Subst.*